

BOARD OF SELECTMEN MINUTES

February 13, 2006

All Board members were present with the exception of Peter Ashton The Town Manager and Assistant were present, the meeting was televised

CITIZENS' CONCERNS

Ms. Spies will come in under Hearings and Appointments to address the Board.

SEWER COMMISSIONERS' BUSINESS

None Expressed

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE

The Town Manager gave the Board a brief update on Snow and Ice removal and how many times they have sanded during this season. They are using a special system that could save us money since we will not have to sweep the street to remove the sand left from sanding and salting. Dore' noted he had noticed the lack of sand when he was shoveling his driveway. We are using the same amount of salt but no sand. Lauren commented on how well the clean up looks and thanked staff for doing such a good job.

COMMON VICTUALLER'S LICENSE, G&T ENTERPRISES, D/B/A COUNTRY

HARVEST BAKERY, 344 GREAT ROAD - DORE' HUNTER – Moved to approve. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

CITIZEN CONCERN

MS. SPIES – Dore' reviewed the tape and has comments which he will address. Dore' agrees with Peter and supports the written letter that the Chairman Drafted. Lauren too noted the letter was accurate. Andy had some wordsmithing items. He will submit his changes to the Town Manager for possible changes. Andy noted he too had reviewed the tape. **LAUREN ROSENZWEIG** – Moved that we submit this letter for signature with changes suggested by Andy Magee, **DORE' HUNTER** - second. UNANIMOUS VOTE

Ms. Spies spoke about her concerns and suggested that the Board say what is being discussed so that those people in the audience and at home would know what the issue was.

Dore' noted that he has been very quiet up until now but is opposed to Ms. Spies again being given the opportunity to once more make claims against him which are not supported by the videotape of the meeting. He urged her to view the tape and then she would actually see what transpired that evening in July, he suggested that her memory was incorrect and she would see this when she reviewed the tape of the meeting

Walter offered her the chance to review the letter and watch the tape of July 12, 2004 and to schedule a follow-up meeting to discuss this further once she had reviewed the Tape and letter.

Andy spoke about the use of hot words, Done Deal, Secrets, Sham and citizens not being citizens. Andy said that when we are done we should read this letter out loud and commended Dore' for his patience during the discussion of this issue.

Lauren noted that this was about the 2004 Morrison Farm Committee. She noted that people were passionate and commented on things that happened that evening. Lauren asked her to read the letter and watch the tape. Lauren said we need to wait until every one was present to discuss this further.

Walter asked Ms. Spies if she had any other comments, she replied no.

CLASS I CAR DEALER LICENSE, ACTON SUZUKI RENT-A-CAR, INC, 50 POWDER MILL ROAD - Dore' wanted to hear the Engineers comments about Garry Rhodes review and comments. Dore' suggested that he meet with Garry. The Building Commissioner is the zoning enforcement officer. Mark Donahoe will meet with Garry and noted he disagrees with Garry's opinion. Leo said that it is pre-existing and has had vehicles on it for over 50 years. Lauren asked about parking for the tanning salon and Prescott's. Andy commented on the site and parking for the other uses in the building. Andy noted that he should review this change with the Conservation Commission as he is proposing a use that has dense parking. Mr. Donhoe noted that they are not making any changes. Andy asked for something from Building and comments from the Conservation Commission. The Board asked that they discuss the issues with the Building Commissioner and Conservation staff and they will continue this hearing. Don noted that he does not recall any license applied for at that location. Don suggested that the petitioner get to Garry to resolve this issue. Walter noted that he too agreed they need to speak with Garry for interpretations. LAUREN ROSENZWEIG – Moved to continue to February 27, 2006. DORE' HUNTER – second. It was discussed that Mr. Bertolami's Engineer would be out of town on that date. LAUREN ROSENZWEIG - Moved to withdraw her motion and to Move that they reschedule this for March 13, 2006 at 7:45 p.m. DORE' HUNTER – second. Unanimous vote

BEER AND WINE ALCOHOLIC BEVERAGE LICENSE AS A COMMON VICTUALLER, SALERNO'S RESTAURANT, INC., D/B/A, SORRENTO'S PIZZERIA, 251 MAIN STREET

Andy asked about number of employees and will they come to the training, Mr. Basal said he has six employees and plans on having all of them Tips Trained. He will himself is already Tips Trained and will be bringing an employee to Tips training next week and will be participating in the Group training hosted by Scupper Jacks. Lauren wanted to make sure that he does not serve underage people and to be sure people don't leave intoxicated. Andy suggested the policy be amended to reflect 2 drinks per person with food only. Walter stressed the need to be sure that keep the public safe. DORE' HUNTER – Moved to grant approval. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

MOBILE COFFEE CART REQUEST, ACTON COFFEE AND ICE CREAM, LLC.

Lauren thanked him from coming in with the idea. He was notified that this is nonexclusive permission only and allowed from 6 a.m. to 9 am. He will need to come back if he wants more hours. Don suggested the Board license this activity for a one year term. LAUREN ROSENZWEIG - Move we grant one year license to operate a hand wheeled food cart that is 48 inches wide and 26 inches deep at the Town Commuter Lot by Mr. Frank Chen from 6 a.m.-9 a.m. and that this it is a nonexclusive license, and further Moved to require the applicant to work with the Town Engineer for approved placement of the cart at the Commuter Lot. DORE' HUNTER – second. UNANIMOUS VOTE.

HAARTZ CORPORATION – Representatives from the Haartz Corporation were present to discuss a proposed warrant article with the Board. Andy will recuse himself as the company he works for has worked for Haartz in the past. The attorney representing Haartz Corp. outlined the purpose of their appointment tonight. They want to include parcels C and D in their current conservation restrictions. Lauren asked if Parcel B will allow them to expand and if the land will be built on or used to increase floor area ratio. They said no there are no plans currently for expansion. Dore' said it was reasonable to him. Walter asked about parcel D. The Attorney said it was an error that was not caught. Don said that we have been pursuing this for over a year and went to the meetings held for possible purchase of this parcel from the State. The one thing missing is a provision to insure the transfer to the conservation restriction is affected.

SELECTMEN'S BUSINESS

Chief Craig and Don spoke about the position of Peter Ashton's sick leave proposal that we basically take \$100,000 out of Fire Dept, budget to cover the new employees. Don updated the Board on the negotiations on first responder manning problems. They formed a committee and reviewed the issue to have two people on responding ambulance and adding four swing men to reduce the overtime. In fy89 we were running 1.4 million permanent fire firefighters and dispatch coverage. \$336,000 for coverage. The proposal suggested that we add eight people for \$57,500. Article 22, of the 1988 Town Meeting approved the fire fighters/EMTS for \$57,500. If we can get the four swing persons we could reduce our overtime by \$115,000. Dore' said that he still wants the sick time reduced. Dore' thinks that there should be a monetary cut back to serve as an incentive. Dore' was concerned that the problem is still present. Walter agreed he wanted to build incentive for reduction of sick time. Dore' wants to ensure that we are providing coverage. Lauren agreed she wanted to see less sick time. Don said we could take this up at the next meeting. Dore' said he would like to see fincom comment on this. Herman said he would take it to the Finance Committee. Walter will review this to come to a better understanding of this situation. Dore' said that he wanted to avoid shutting stations. Dore' felt that the people should know that this is a possibility. Herman made comment on Dore's desire to not close a station. Herman noted that we have not had a closure for 15 years.

FY07 BUDGET DISCUSSION

Towne School – Walter does not want to be here again next year for more funds. Walter said the he wanted it occupied or give it back to the school. Dore' noted we go to town meeting to demolish it if the school has no use for it.

Don reported on the RFP that is out for the Towne School. We should have it before Town Meeting. It was put out with the AG's language so every one comes in knowing the rules and restrictions.

Fire station Over Head Doors. Don commented that he would yield to Dean's opinion that we need to look at making a repair at the Center Station.

Sequence of Operations, Town Hall Paint and Roof. Walter discussed the memo from Dean about sequencing the repairs to the roof and paint. The roofing and painting could proceed within the same season. Dore' was uncomfortable with putting it off, but felt we could wait one more year.

Lauren said that she wanted to do it now as it might be more money if you wait. She said she will defer to next year. It was noted that we need to do it next year if we don't do it this year.

Overtime Issue Fire – Discussed earlier

Fire Car 31 – This did not make the top 10 of putting it back on the list. The Board will discuss at the next meeting.

Elm Street Ball Field Lights The replacement cost is \$70,000. Can we get users to contribute? AASL will contribute \$1,000 per year to the pole replacement

Sidewalk Five Year Capital Plan – The Board discussed the ranking on the Priority list.

2006 WARRANT DISCUSSION

Peter's memo about legal expense reduction will need to be discussed at the next meeting.

Dore' said that he wanted a copy of the Terms of the Trust for the Acton Firefighter's Relief Fund.

Article OO – Habitat for Humanity – Walter said we need to have some sense of the Board to move forward. Dore' said they are a legitimate organization and it should go to Town Meeting for vote. Lauren supports the article, feels it is worthwhile. Walter said this is a good use for CPA Funds, and suggested that Habitat for Humanity make application for funds to CPA. Walter said that if you don't want an article that the Chairman has assigned you to check with the Chairman for discussion.

Don noted that we need this to come together for the printer by March 9th.

SELECTMEN'S E-MAIL POLICY

Selectman Hunter has requested that the enclosed materials be provided for Board discussion in the subject regard. Dore' spoke about multiple Board e-mails. He noted the proper use of e-mail and to avoid breaking the Open Meeting Law. Dore' stressed the importance of adhering to the policy and it needs to have warning language applied. Dore' suggested adding another sentence to say in case it is forwarded to anyone this is not for debate on the E-Mail. Walter felt that we needed to add language to address this. Walter too spoke about the E-mail and Finance Committee's use of E-mail. Lauren felt we could strengthen the policy outlined by District Attorney.

Tom Michleman – Said he feels that we should be allowed to use E-Mail for discussions. Lauren said one of the reasons we have these meetings at a handicapped accessible building is so anyone can come in, not everyone has a computer.

Laurie Krinsky spoke about how she supports the limit on E-Mail discussion.

The Town Manager was asked to draft a possible draft and to bring it back to the Board

DRAFT BOARD OF APPEALS RULES AND REGULATIONS

Lauren spoke about the drafted 40B policy and one of the main things is to have an expedited process for 12 units and under. Town Counsel went through it and made changes and comments that were very helpful. Lauren asked that it be adopted as drafted. Walter asked about a major document of this type he wanted to see a summary of what has happened to make it easier to understand and streamline the conversation. Dore' agreed that it would be helpful if it could be done. Steve Anderson said that these are draft Board of Appeals Regulations, not BOS or a bylaw. BOA has very stringent rules and regulations. Andy wanted

more time to review this document. Lauren said the purpose of this was to give BOA a chance to ask other boards what they think and then make their decision about the waiving of some items to facilitate the projects. Steve said that the BOA has the power to reject this or accept these regulations. Steve asked that the BOS send a memo to BOA to see if they will review. The Board will discuss this at the next meeting.

BROOKSIDE SHOPS TRAFFIC LIGHT - Don spoke about sending out a letter reminding them about the traffic signal commitment. ANDREW MAGEE - Moved to send the letter. DORE' HUNTER –second. UNANIMOUS VOTE.

BRUCE FREEMAN RAIL TRAIL - Andy Magee outlined the letter that was sent to Carlisle and Westford discussing the contracts for services. The BRRT Voted to offer \$5,000 for review and defray the required services. Tom Michlaeman asked for help in phrasing the Gift for Board acceptance.

POWERS GALLERY REQUEST FOR SUPPORT - Letter of support to Mass Highway for street cut relief – DORE' HUNTER – Moved to approve the letter as written. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

ACTON HISTORICAL SOCIETY - The Board asked to have staff report back after more review, and suggested the possible use of the Town Hall Lot for this purpose on Patriots Day. It was noted that the Lot in South Acton fills even on Patriots Day as it is not a holiday for everyone.

GEORGIA WHITNEY FUND REQUEST - The Acton Memorial Library is asking for \$750 for the Creely poetry reading program. DORE' HUNTER – Moved to approve the Grant of \$750 for the event. ANDREW MAGEE – second. UNANIMOUS VOTE.

Herman Kabakoff took note of expenses for chairs and felt the \$250 allotted for Chairs could be lessened if they used chairs we already have. The Board will pass his suggestion on to the Acton Memorial Library Director.

OTHER BUSINESS

Lauren updated the public about a series of zoning hearings at the Planning Board meeting in the Library.

Lauren spoke about the Commuter Rail Forum, there was standing room only. The committee will be looking and gathering information they might need.

Andy spoke about Bruce Freeman Rail Trail letter that was sent out to Carlisle and Westford and noted they will be meeting tomorrow night.

Andy spoke about his breakfast at the Senior Center. He also toured the facilities. John, Steve and Brian will be going up to the Senior Center on Wednesday at 12:30 to discuss taxes and programs available to seniors.

Dore' reported on the commuter meeting and the rail line issues.

ALG tomorrow morning. Walter will be attending since the chair is out of town. Walter will bring back any items to the Board for discussion.

Morrison Meeting, 50 people attended and will meet again Feb 16, at the Public Safety Building at 7:30 p.m. to talk about the historical importance of the Morrison Property.

CPC has met and have begun their deliberations. Andy explained the process of granting funds under CPC. He explained that the Design for the Bruce Freeman Rail Trail would need to be brought up to a reasonable amount for a 25% DESIGN. It was noted that they would not be expending all the funds that we are getting this year.

CONSENT AGENDA

DORE' HUNTER – Moved to Approve – LAUREN ROSENZWEIG – second. Andy has some changes to the minutes of Jan 23 and 30. Staff will make the suggested edits. DORE' HUNTER – Moved to approve with the edits to the January 23 and 30 Minutes. ANDY MAGEE – second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

No Report

EXECUTIVE SESSION

DORE' HUNTER- Moved to go into Executive Session to discuss land acquisition and litigation
ROLL CALL TAKEN, All members AYE, four affirmative the Board is now in Executive Session

Christine Joyce

F. Dore' Hunter, Clerk

DATE

BOARD OF SELECTMEN AGENDA

February 13, 2006

**Francis Faulkner Hearing Room
Acton Town Hall
7:00 P.M.**

I CITIZENS' CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III PUBLIC HEARINGS & APPOINTMENTS

1. 7:05 **OPERATIONAL MINUTE**
The Town Manager will give the Board a brief update on various topics.
2. 7:15 **COMMON VICTUALLER'S LICENSE, G&T ENTERPRISES, D/B/A COUNTRY HARVEST BAKERY, 344 GREAT ROAD**
Enclosed please find materials in the subject regard, for Board consideration.
3. 7:20 **CITIZEN CONCERN, MS. SPIES**
Enclosed please find materials in the subject regard, for Board consideration.
4. 7:45 **CLASS I CAR DEALER LICENSE, ACTON SUZUKI RENT-A-CAR, INC, 50 POWDER MILL ROAD**
Enclosed please find materials in the subject regard, for Board consideration.
5. 8:00 **BEER AND WINE ALCOHOLIC BEVERAGE LICENSE AS A COMMON VICTUALLER, SALERNO'S RESTAURANT, INC., D/B/A, SORRENTO'S PIZZERIA, 251 MAIN STREET.**
Enclosed please find materials in the subject regard, for Board consideration.
6. 8:15 **MOBILE COFFEE CART REQUEST, ACTON COFFEE AND ICE CREAM, LLC.**
Enclosed please find materials in the subject regard, for Board consideration.
7. 8:30 **HAARTZ CORPORATION** – Representatives from the Haartz Corporation will be present to discuss a proposed warrant article with the Board.

IV SELECTMEN'S BUSINESS

8. **FY07 BUDGET DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.
9. **2006 WARRANT DISCUSSION**
Enclosed please find materials in the subject regard, for Board consideration.
10. **SELECTMEN'S E-MAIL POLICY**

Selectman Hunter has requested that the enclosed materials be provided for Board discussion in the subject regard.

11. DRAFT BOARD OF APPEALS RULES AND REGULATIONS

Enclosed please find materials in the subject regard, for Board consideration.

12. BROOKSIDE SHOPS TRAFFIC LIGHT

Enclosed please find materials in the subject regard, for Board consideration.

13. BRUCE FREEMAN RAIL TRAIL

Enclosed please find materials in the subject regard, for Board consideration.

14. POWERS GALLERY REQUEST FOR SUPPORT

Enclosed please find a draft letter from Chairman Ashton, for Board consideration.

15. ACTON HISTORICAL SOCIETY

Enclosed please find a request from the Acton Historical Society for use of a portion of the South Acton Commuter Lot on Patriot's Day, along with staff comment, for Board consideration.

16. GEORGIA WHITNEY FUND REQUEST

Enclosed please find a request from the Memorial Library Trustees for an appropriation from the subject fund, for Board consideration.

17. OTHER BUSINESS

VI CONSENT AGENDA

18. ACCEPT MINUTES, BOARD OF SELECTMEN, JANUARY 23 AND JANUARY 30, 2006

Enclosed please find minutes for Board acceptance.

19. ACTON FAMILY NETWORK

Enclosed please find a request from Acton Family Network for use of the Town Hall parking lot for their annual tag sales on May 13, 2006 and Sept. 16, 2006, for Board consideration.

20. TEMPORARY AERIAL CABLE, VERIZON NEW ENGLAND, INC., JOHN SWIFT ROAD

Enclosed please find materials in the subject regard, for Board consideration.

21. ACCEPT GIFT, CAPIZZI & COMPANY

Enclosed please find a gift in the amount of \$250.00 to be used for the Youth Services Program at the Acton Police Department, for Board acceptance.

VII TOWN MANAGER'S REPORT

VIII EXECUTIVE SESSION

22. There will be a need for an Executive Session – Enclosed please find materials in the subject regard, for Board consideration.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete Agenda.

February 27	April Annual Town Meeting
March 13 & 27	

GOALS 2004-2005

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

GOALS carried forward

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)